

Serial No. 10/769,658

**REMARKS**

The Examiner's attention to the present application is noted with appreciation.

In the Office Action of October 14, 2005, the Examiner rejected claims 1, 17, and 21 under 35 U.S.C. 102(b) as being anticipated by Bither et al., Journal of Applied Physics, Vol. 33:3, pp. 1346-47 (1962) and by Sato et al., Journal of Applied Physics, Vol. 55:6, pp. 2036-38 (1984). The Examiner stated that the material of Bither et al. shows a material for magnetic refrigeration ( $Mn_2Sb$ ) which meets Applicant's formula in claim 1 if  $y$  is 1 and  $x$  is 1; and the Examiner stated that Sato et al. show a material for magnetic refrigeration ( $Mn_{1.08}Cr_{1.12}Sb$ ) which meets the formula of Applicant's claim 1 if  $y$  is 0.94 and  $x$  is 1. The rejections are traversed in light of the present amendment to claim 1.

Applicant has amended claim 1 so that  $x$  is a number in the range of greater than 0 and less than 1. Therefore neither the Bither et al. nor Sato et al. anticipate the present invention. Also, Applicant notes that neither article describes magnetic refrigeration.

Therefore, claims 1, 17, and 21 are believed to be patentable.

In view of the above, it is respectfully submitted that all grounds of rejection and objection have been avoided and/or traversed. It is believed that the case is now in condition for allowance and same is respectfully requested.

If any issues remain, or if the Examiner believes that prosecution of this application might be expedited by discussion of the issues, the Examiner is cordially invited to telephone the undersigned attorney for Applicant at the telephone number listed below.

Authorization is given to charge payment of any additional fees required, or credit any overpayment, to Deposit Acct. 13-4213.

Respectfully submitted,



Date: Jan. 17, 2006

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